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United States Department of Agriculture

Service and Regulatory Announcement No. 96  
(AGRICULTURAL ECONOMICS)

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RULES AND REGULATIONS

OF THE  
SECRETARY OF AGRICULTURE

GOVERNING

THE INSPECTION AND CERTIFICATION  
OF BUTTER, CHEESE, AND EGGS

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UNDER AN ACT OF CONGRESS  
APPROVED FEBRUARY 10, 1925  
(43 STAT. 822, 844-845)

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ISSUED NOVEMBER, 1925

# REGULATIONS OF THE SECRETARY OF AGRICULTURE GOVERNING THE INSPECTION AND CERTIFICATION OF BUTTER, CHEESE, AND EGGS

By virtue of the authority vested in the Secretary of Agriculture by a provision of the act of Congress entitled "An Act Making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1926," approved February 10, 1925 (43 Stat. 822, 844-845), authorizing the establishment of an inspection service for perishable farm products, I, W. M. Jardine, Secretary of Agriculture, do prescribe and promulgate the following rules and regulations governing the inspection and certification of butter, cheese, and eggs, to be in force and effect on and after 1925, and as long as Congress shall provide the necessary authority therefor, unless amended or superseded by rules and regulations hereafter prescribed and promulgated under such authority.

In testimony whereof I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the city of Washington, this 14th day of September, 1925.

[SEAL.]

W. M. JARDINE,  
*Secretary of Agriculture.*

## Regulation 1. Definitions

SECTION 1. Words in these regulations in the singular form shall be deemed to import the plural and vice versa, as the case may demand.

SEC. 2. For the purpose of these regulations, unless the context otherwise require, the following terms shall be construed, respectively, to mean:

Paragraph 1. *The act.*—The following provisions of an act of Congress entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1926," approved February 10, 1925 (43 Stat. 822, 844-845), or any future act of Congress conferring like authority: "For enabling the Secretary of Agriculture to investigate and certify to shippers and other interested parties the class, quality, and/or condition of cotton and fruits, vegetables, poultry, butter, hay, and other perishable farm products, when offered for interstate shipment or when received at such important central markets as the Secretary of Agriculture may from time to time designate, or at points which may be conveniently reached therefrom, under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost of the service rendered: *Provided*, That certificates issued by the authorized agents of the department shall be received in all courts of the United States as *prima facie* evidence of the truth of the statements therein contained."

Par. 2. *Person.*—Individual, association, partnership, or corporation.

Par. 3. *Secretary.*—Secretary or Acting Secretary of Agriculture of the United States.

Par. 4. *Bureau.*—Bureau of Agricultural Economics of the United States Department of Agriculture.

Par. 5. *Inspector.*—Employee of the Department of Agriculture or other person authorized by the Secretary to investigate and certify to shippers and other interested parties the class, quality, and/or condition of butter, cheese, or eggs under the act.

Par. 6. *Office of inspection.*—The office of an inspector authorized to inspect butter, cheese, and/or eggs under the act.

Par. 7. *Inspection certificate.*—Certificate of the class, quality, and/or condition of butter, cheese, and eggs by an inspector under the act.

Par. 8. *Regulations.*—Rules and regulations of the Secretary governing the inspection and certification of butter, cheese, and eggs under the act.

#### Regulation 2. Administration

SECTION 1. The chief of the bureau is charged with the supervision of the performance of all duties arising in the administration of these regulations.

#### Regulation 3. Where Service is Offered

SECTION 1. Butter, cheese, and/or eggs may be inspected for the purpose of the act at points indicated in paragraphs 1, 2, and 3 of this section whenever an inspector is available.

Paragraph 1. *Shipping points.*—Inspections may be made wherever butter, cheese, or eggs are offered for interstate shipment, including farms, factories, warehouses, loading platforms, wagons, trucks, railway cars, boats, vessels, and other places where these products are handled, kept, or stored.

Par. 2. *Designated markets.*—Boston, Chicago, New York, Philadelphia, Duluth, St. Paul, Minneapolis, San Francisco, and Washington are hereby designated as important central markets. Other important central markets at which inspectors are available will be designated by the Secretary from time to time.

Par. 3. *Other points.*—Inspections may be made at any point near a designated market under conditions provided in regulation 5 to the extent permitted by the time of inspectors who are available for inspections at such other points.

#### Regulation 4. Application for Inspection

SECTION 1. *Who may obtain inspection.*—An application for inspection of butter, cheese, or eggs under the act may be made by a State, or by any person having a financial interest in the butter, cheese, or eggs involved, including the shipper, the receiver, or the carrier, or by any authorized person in behalf of such applicant.

Sec. 2. *How inspection may be obtained.*—Application for inspection of butter, cheese, or eggs under the act may be made in writing or orally, by telegraph, telephone, or otherwise. Such application may be filed in the office of inspection or with any authorized inspector at or nearest the place where the inspection is desired. If made orally, the inspector may require that it be confirmed in writing.

Sec. 3. *Form of application.*—Application for inspection of butter, cheese, or eggs, under the act, shall be in English, and when requested by the inspector to be in writing shall include the following information: (a) The date of application; (b) the identification and location of the product to be inspected; (c) the name and post-office address of the applicant and of the person, if any, making the application in his behalf; (d) the interest of the applicant (except the State) therein; (e) the name, post-office address, and interest of all other known parties, except carriers, interested in the butter, cheese, or eggs involved; (f) the shipping point and destination of the product; (g) the purpose of the inspection; and (h) such other information as the inspector may require.

SEC. 4. *Application rejected*.—Any application may, upon request of the applicant or for any noncompliance with the act or any regulation thereunder, be rejected by the inspector in charge of the office of inspection in which it is filed, and such inspector shall immediately notify the applicant by telegraph or in writing of the reasons for such rejection.

SEC. 5. *Proof of authority*.—Proof of the authority of any person applying for inspection on behalf of another may be required in the discretion of the inspector.

#### Regulation 5. Inspection

SECTION 1. *Forms of inspection*.—Inspections may be made for class, quality, and/or condition.

Paragraph 1—*Basis of inspections*.—Inspections for class, quality, and/or condition shall be based upon such standards and grades and be made under such conditions and in accordance with such methods as may be prescribed, approved, or promulgated by the chief of bureau.

SEC. 2. *Products accessible*.—The applicant shall cause the butter, cheese, or eggs for which inspection is requested to be made accessible for inspection and to be so placed as to disclose its quality and condition.

SEC. 3. *Order of inspection*.—As many inspections shall be made as facilities permit and as far as practicable in the order in which applications are received, except that preference may be given to applications made by a State.

SEC. 4. *Inspector financially interested*.—No inspector shall inspect any butter, cheese, or eggs in which he is directly or indirectly financially interested.

#### Regulation 6. Inspection Certificates

SECTION 1. *Certificate for each lot*.—The inspector shall sign and issue a separate certificate for each lot of butter, cheese, or eggs inspected by him: *Provided*, that when application for inspection is made by any branch of the Federal Government or by a public institution or a public carrier, for the purpose of determining whether such food products for use by such applicant comply with contract specifications therefor, a formal certificate need not be issued, but the fact of such compliance or noncompliance may be indicated by appropriate stamp or mark on such products or the containers thereof, or otherwise, in the discretion of the inspector. The inspector also, when authorized by the chief of the bureau, may stamp each package in the lot with the class, grade, or quality of the product contained in it, or he may furnish the applicant with certificates of quality which state the class, grade, or quality of the product when inspected, or he may authorize the applicant to issue certificates of quality of such form as have the approval of the chief of the bureau, the certificates of quality furnished to the applicant or issued by the applicant to be used only by the applicant in such manner and for such purpose as is approved by the chief of the bureau.

SEC. 2. *Original and copies of certificate*.—The original inspection certificate, immediately upon its issuance, shall be delivered or mailed to the applicant or person designated by him. If the shipper is known and is not the applicant, one copy shall be delivered or mailed

to him. Copies will be furnished to other financially-interested persons on request.

SEC. 3. *Advance information.*—Upon request of an applicant, all or any part of the contents of the certificate may be telegraphed or telephoned to him at his expense.

SEC. 4. *Filing certificates.*—One copy of each certificate issued shall be filed in the office of the inspector issuing it and one filed either in the office of the field-supervising inspector or forwarded to the chief of the bureau. They shall be kept on file until other disposition is ordered by the chief of the bureau.

#### Regulation 7. Reinspections

SECTION 1. *When a reinspection may be had.*—Whenever the original applicant or other interested party has reason to believe that the quality or condition of a lot of butter, cheese, or eggs on which an inspection certificate has been issued does not conform to the condition, quality, or grade stated in such certificate, he may make application for a reinspection, provided the application is made before the close of the third business day following the date of the inspection and before the identity of the original lot of butter, cheese, or eggs inspected has been lost.

SEC. 2. *How to obtain reinspection.*—Application for reinspection of butter, cheese, or eggs under the act may be made in writing or orally, by telegram, telephone, or otherwise. Such application may be made to (a) any inspector, (b) supervising inspector, or (c) the chief of the bureau. If made orally, the person receiving the application may require that it be confirmed in writing. Such application shall give the reasons therefor and shall be accompanied by the inspection certificate previously issued on the lot, if it is in the possession of the applicant.

SEC. 3. *Record of applications for reinspections.*—A record showing the date and time of filing such application shall be made by the receiver thereof.

SEC. 4. *When an application for reinspection may be withdrawn.*—An application for reinspection may be withdrawn by the applicant at any time before the reinspection is made, upon payment of any expenses incurred in connection therewith.

SEC. 5. *Inspectors who may pass on reinspection applications.*—Applications for reinspections shall be passed upon by inspectors designated for the purpose by the chief of the bureau.

SEC. 6. *When a reinspection may be refused.*—If it shall appear that the reasons stated in an application for reinspection are frivolous or unsubstantial, or that the quality or condition of the butter, cheese, or eggs has undergone material change since the last previous inspection or reinspection, or the identical butter, cheese, or eggs can not be made accessible for inspection, or the act or these regulations have not been complied with, the application may be rejected and the applicant shall be notified the same day, by telegraph or in writing, of the reason for such rejection, and a statement of such action shall be included in the record of such application by the official making the same. Upon the rejection or withdrawal of an application for reinspection any inspection certificate filed therewith shall be immediately returned to the person by whom filed, or delivered upon his written order.

SEC. 7. *Certificate for reinspection.*—The inspector making a reinspection shall sign and issue a "Reinspection certificate," referring specifically to all previous inspection and reinspection certificates, and stating the quality and condition of the butter, cheese, or eggs as found on the last inspection or reinspection. In all other respects the provisions of regulation 4 shall apply to such reinspection certificates, except that copies of the reinspection certificate shall be sent to all interested parties, if known, other than the carriers, and to such of them as have been the applicants for any former inspection or reinspection.

SEC. 8. *Extension of time.*—Upon satisfactory showing of evidence of fraud, or that on account of distance the time of filing is insufficient, or other good cause, the person mentioned in section 2 of this regulation, to whom the application for reinspection is made, may permit the filing of such application after the time prescribed therefor in these regulations, and a statement of such action shall be included in the record of such reinspection by the official making the same.

SEC. 9. *Certificate superseded shall not represent the quality, condition, or grade of butter, cheese, or eggs.*—When an inspection certificate shall have been superseded under these regulations by a reinspection certificate such inspection certificate shall not thereafter represent the quality, condition, or grade of the lot of butter, cheese, or eggs described therein. If the original and all copies of the superseded certificate are not delivered to the person with whom the application for reinspection is filed, the officer issuing the reinspection certificate shall forward notice of such issuance and of the cancellation of the original certificate to such persons or firms as he considers necessary to prevent fraudulent use of the canceled certificate.

#### Regulation 8. Licensed Inspectors

SECTION 1. *Inspectors may be licensed.*—Persons showing proper qualifications may be licensed by the Secretary of Agriculture as inspectors of butter, cheese, or eggs which may be inspected under this act. All such licenses shall be countersigned by the specialist in charge of the Division of Dairy and Poultry Products in the bureau, the specialist in inspection in that division, or by the supervising inspector under whose direction the licensee is to make inspections.

Paragraph 1. *License may be suspended.*—Any such license may be suspended, pending final action by the Secretary of Agriculture, by any official by whom it may be countersigned, whenever such official shall deem such action to be for the good of the service. Within seven days after any such suspension the licensee may file an appeal in writing to the Secretary of Agriculture supported by any argument or evidence that he may wish to offer in his behalf.

#### Regulation 9. Fees and Charges

SECTION 1. *Fees and charges.*—The fees and charges to be collected for each lot of butter, cheese, or eggs inspected or reinspected under these regulations, at shipping points, designated markets, and other points shall be as follows, unless otherwise specifically provided in supplemental schedules subsequently furnished the inspector by the Secretary, or unless the inspection or reinspection is made under a

cooperative agreement with a State or other agency, when the fees and charges to be collected shall be those provided for under the agreement: *Provided, however,* That an additional fee of \$3 shall be charged when the inspection is made in a freight or express car or other place where the entire lot of the product is not readily accessible to the inspector.

Paragraph 1. *Butter inspection fees.*—For each lot of butter inspected for class, quality and/or condition, pursuant to these regulations, the fee shall be on the basis of the approximate net weight of the butter in such lot, as follows:

(a) When each separate churning is not indicated by number or otherwise on the packages—

For 1,500 pounds or less	\$1.00
For more than 1,500 pounds but not more than 3,000 pounds	1.50
For more than 3,000 pounds but not more than 6,000 pounds	2.00
For more than 6,000 pounds but not more than 10,000 pounds	2.50
For each additional 10,000 pounds or fraction thereof beyond 10,000 pounds an additional amount of	.50

(b) When each separate churning is indicated by number or otherwise on the packages—

For 7 churnings or less	\$1.00
For each additional churning beyond 7 an additional charge of	.10

Par. 2. *Cheese inspection fees.*—For each lot of cheese inspected for class, quality and/or condition pursuant to these regulations, the fee shall be based on the gross number of packages of cheese in such lot, as follows:

(a) When each separate factory vat number is not indicated by number or otherwise on the packages—

For 25 packages or less	\$1.00
For more than 25 packages but not more than 50 packages	1.50
For more than 50 packages but not more than 100 packages	2.00
For more than 100 packages but not more than 200 packages	2.50
For each additional 100 packages or fraction thereof an additional amount of	.50

(b) When each separate factory vat number is indicated by number or otherwise on the packages—

For 7 vats or less	\$1.00
For each additional vat number beyond an additional charge of	.10

Par. 3. *Egg inspection fees.*—For each lot of eggs inspected for class, quality and/or condition, pursuant to these regulations, the fee shall be based on the gross number of packages in such lot, as follows:

For 25 packages or less	\$1.00
For 26 to 50 packages, inclusive	1.50
For 51 to 100 packages, inclusive	2.00
For 101 to 200 packages, inclusive	3.00
For 201 to 350 packages, inclusive	4.00
For 351 to 500 packages, inclusive	5.00
For additional 100 packages or fraction thereof an additional charge of	.50

Par. 4. *Fees may be based on time required.*—In lieu of all fees above specified in this regulation, the fee for each lot of butter, cheese, or eggs inspected for class, quality, and/or condition pursuant to these regulations, may be based, when it is more expedient or equitable, upon the time actually required in making the inspection at the rate of \$2 per hour, in the judgment of the inspector.

Par. 5. Fees for reinspections shall be three times those for original inspections, except that no fee will be charged when it is found that there was a material error in the certificate issued based upon the original inspection.

Par. 6. Such charges may be made for traveling expenses and other items paid or incurred by the Department of Agriculture, in connection with an inspection or reinspection made as will reimburse the department.

SEC. 3. *Payment of fees.*—The fees or charges for each inspection or reinspection shall be paid by the applicant in accordance with the directions on the fee bill furnished him and in advance if required by the inspector. Fees and charges for inspections and reinspections made by inspectors acting exclusively for the Department of Agriculture shall be remitted promptly to the disbursing clerk of the Department of Agriculture. Fees for inspections made by a licensed inspector acting exclusively for the Department of Agriculture, less the percentage thereof which he is allowed by the terms of his contract of employment as compensation for his services, shall be remitted to the disbursing clerk of the Department of Agriculture. Fees for inspections made by an inspector acting under a cooperative agreement with a State or other organization shall be disposed of in accordance with the terms of such agreement. Such portion of the fees collected under a cooperative agreement as may be due the United States shall be remitted to the disbursing clerk of the Department of Agriculture. The disbursing clerk of the Department of Agriculture will cause to be returned to the person entitled thereto any money remitted in excess of the amount due the United States and to be deposited in the Treasury as miscellaneous receipts all moneys found to be due to the United States. Funds may be transferred from other branches of the Government to the Department of Agriculture to cover the cost of services rendered under the act, and when received may be credited to the fund from which the costs of the service rendered were incurred.

#### Regulation 10. Fraud

SECTION 1. *Misrepresentation.*—Any willful misrepresentation or any deceptive or fraudulent practice made or committed by an applicant for inspection or reinspection in connection with the making or filing of an application or the use of an inspection or reinspection certificate or a certificate of quality issued by an inspector under these regulations may be deemed sufficient cause for debarring such person from any further benefits of the act, and in case of violation of the food and drugs act of June 30, 1906, may subject the shipper to prosecution and the butter, cheese, or eggs to seizure.

#### Regulation 11. Publications

SECTION 1. *Publications.*—Publications under the act and these regulations shall be made in Service and Regulatory Announcements of the Bureau of Agricultural Economics and such other mediums as the chief of the bureau may from time to time designate for the purpose.